

SECTION 608
APPLICABILITY DETERMINATION*
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Chapter XXX, page 9

***NOTE:** This guidance is quoted verbatim from a USEPA Applicability Determination (AD) #8 received from the U.S. EPA ODS Hot Line Office 1(800)296-2996. Also see paragraph F3f of this chapter.

Record Number 8
Key Words: disposal
 leaked out
 refrigeration component

REFERENCES: 82.156(f)

QUESTION: There are instances in which a scrap processor receives appliances and cannot possibly know the name and address of the person who has previously removed or vented the refrigerant. Two such instances are (1) there is no such person because all of the refrigerant has already leaked out, for example, due to a break in the system seal, coil or compressor, and (2) where the refrigeration unit has been removed from the appliance prior to delivery of the appliance for recycling. How do disposers comply with the verification requirements of section 82.156(f) in these cases?

RESPONSE: In answer to the first point, section 82.156(f) requires that a signed statement be obtained from the supplier of the appliances stating that “all refrigerant that had not leaked previously has been recovered” in accordance with the regulations. If all the refrigerant has leaked out, the signed statement need not contain the name and address of the person who performed the recovery as no such person exists. The signed statement must, however, clearly state that all the refrigerant in the appliance had already leaked out.

In answer to the second point, the regulations require the recovery of refrigerant prior to disposal of refrigeration appliances. The term “appliance” is defined in section 82.152(a) as “any device which contains and uses a class I or class II substance as a refrigerant . . .”. If such appliances contain several different components, and the component responsible for the refrigeration can be isolated and removed from the rest of the appliance, then the remaining parts are no longer subject to the requirements of the regulation in that they no longer contain a class I or class II substance used as a refrigerant. Therefore, in the case where the refrigeration component of a multi-component appliance has been removed, the scrap processors may accept the remaining components for disposal without also requiring a signed statement from the supplier. Please note, however, that all the requirements of the regulation continue to apply to the refrigeration component of the appliance that has been isolated or removed, as this component continues to meet the definition of “appliance” in the regulation.